



JOHN ELIAS BALDACCI  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF LABOR  
BUREAU OF EMPLOYMENT SERVICES  
55 STATE HOUSE STATION  
AUGUSTA, MAINE

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LAURA A. FORTMAN  
COMMISSIONER

April 23, 2004

VIA

Ms. Christine Kulick  
U.S. DOL/ETA  
Office of Workforce Investment  
Division of One-Stop Operations, Room S4231  
200 Constitution Avenue, NW  
Washington, DC 20210

Dear Ms. Kulick:

I am writing on behalf of the Maine Department of Labor to request an extension of a waiver to postpone the "Subsequent Eligibility of Training Providers (ETP)" requirement for "All Students" (WIA Sec. 122(c)(5) and 20 CFR 663.530) until June 30, 2005. The current waiver issued to MDOL, and approved by USDOL/ETA on September 12, 2002, is due to expire on June 30, 2004.

The primary reason for this request is that vast majority of providers have not been able to produce the "All Student" performance data in the specified timeframe to meet the re-certification requirements under subsequent eligibility guidelines. Although the MDOL has attempted to ensure broad-based training provider compliance, we have not achieved a standard of consistency with which "All Student" performance data is collected and reported. The lack of available data, systems for the uniform collection of data, and the under-reporting of performance outcomes by providers, prohibits the state from being able to re-certify providers beyond initial eligibility.

Despite not having achieved full compliance in this area, we are concerned that we must continue to offer customers a choice, and that training providers maintain a level of accountability. Maine is a rural state, consisting of four Local Workforce Investment Areas and 23 CareerCenter sites. Currently, the number of training providers that have been approved under the initial eligibility guidelines is approximately 312. Collectively, these providers are approved for approximately 1,200 programs. The vast majority of providers consist of all of Maine's community colleges, a significant number of public and private for-profit schools, colleges and universities, adult education and regional vocational education providers and non-profit community-based organizations.

We believe that strict enforcement of subsequent eligibility guidelines would drastically reduce the limited number of training providers available to our customers. Without this extension, we will be forced to remove the majority of eligible providers from the



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approved list within the next year, as most providers are unable to respond to the strict performance reporting requirements. Granting this waiver extension will allow for the programs that are currently eligible to be available to CareerCenter customers who have been issued an Individual Training Account to get the skills training needed, while we continue to monitor the quality and results of training provided.

To a lesser extent, MDOL's efforts to achieve full compliance with subsequent eligibility requirements were hampered, due to the expected passage of the reauthorization of the WIA this year, which would have established new criteria and procedures relating to the eligibility of providers of training services to receive funds. Specifically, we anticipated that reauthorization would have delegated authority to states for determining subsequent eligibility requirements for remaining on the Eligibility Training Provider List. Establishing strict compliance guidelines that would likely be revised in a relatively short period of time does not seem reasonable.

With an extended waiver MDOL will continue the efforts to achieve compliance in accordance with the plan submitted under the original waiver request. We believe that granting this extended waiver request will promote WIA concepts of consumer choice and accountability.

If you have any questions about the information provided, please contact me at (207) 624-6390.

Sincerely,



Larinda L. Meade  
Director

Cc: Timothy Theberge, U.S. DOL/ETA, Region I  
Stephen Duval, MDOL/BES